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595 (1) Custom permits *all* North Caucasians and their neighbours, whether Christian or Mohammedan, to marry more than one wife. The Tartars near the city of Derbend in the eighteenth century are the only exception, but even in this single case, it ist not certain whether they were monogamists *de jure* or only *de facto*.

[177] (2) Everywhere polygyny is *pre-Islamic*, even if previous to their conversion to Islamism the particular tribe happened to be Christian. We might rightly, therefore, inquire into the possible origin of polygyny in the Caucasus. Polygyny, if borrowed at all, was not borrowed as an *isolated* institution. On the contrary, it seems to be a North Caucasian possession, first of all, as old as the practice [594] of levirate (*infra*, pp. 71—75). Furthermore, it seems to be a North Caucasian [614] cultural possession as old as the economic, social, and religious structure of the North Caucasian family itself. Here we understand " family " in its broad sense, including the joint-family and sib. We cannot now describe this family structure in detail. Briefly, by " the economic, social, and religious structure of the family " we understand that the family in North Caucasia has been and in many places still is the *raison d'être* of the individual.[30a] Whatever the individual does or whatever is done to him or for him has only one aim, the perpetuation and [581] prosperity of the family. Now, in the mind of the North Caucasian, polygyny is an immense asset and at times absolutely indispensable for the economic, social, and religious life of the all-important and solely-important family.

593 *Economically* considered, the wife is extremely important. In the North 562 Caucasus it is the wife who does most of the work (*infra*, pp. 156—159). In fact, sometimes a rich Avar will marry a son to a poor girl or to a widow of a lower class, with whom he is forbidden all communication, in order to have an additional worker in the house.[31] Moreover, a wife is not only a *worker*; she 842 is the " *worker-producing* " organ of the family. Even though boys are preferred (*infra*, pp. 159 ff), girls prove to be good and valuable workers and bring in, at times, a large brideprice (*infra*, pp. 82—91). Now, the more wives there are in the household, the more " worker-producing " organs there are, and by that very fact, at least in the mind of the natives, the family becomes so much the more economically healthy and secure.

The *religious* structure of the family may have contributed just as much to [769] the rise of polygyny as did the economic form of life. The most sacred duty of the individual and of the individual family is, or at least has been, to perpetuate itself, and thus to perpetuate the cult of the ancestors. It is a fact throughout North Caucasus that only a *son* can perpetuate the family and prevent the greatest calamity imagineable, its extinction. But a wife is precisely the " *boy-producing* " organ. If this organ is lacking or fails to function the family is doomed. Today one of the main motives for taking a second wife is sterility.[32] Or again, a second wife will be acquired if the first gives birth only to girls.

[30a] According to ancient customary laws.

[31] L'vov, *op. cit.*, p. 19.

[32] Cf. K. Mačavariani, " Nĕkotoryja čerty iz žizni Abchazcev. Položenie ženščiny v Abchazii," SMOMPK, IV (1884), No. 2, p. 42. E. G. Pčelina, " Rodil'nye obyčai u osetin," SE, 1937, No. 4, p. 88.

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595 from polygyny is, above all, a shortage of rubles.[43] The same holds for the
593 Avars,[44] and, as we learn from Sveičin,[45] for the other Lesghians as well: the economic factor plays an important part in making polygyny relatively rare. Klaproth found the institution a veritable luxury in Ossetia, being only for the richest of the rich,[46] in full harmony with the Ossetine *adats* which reserve the [587] right for the two richest classes, the princes and the *aldars*.[47] Grabovskij's report[48] that even the *poor* Ingushi were polygamists we have partially explained by obligatory levirate, which was just as much obligatory for the rich as for [605] the poor. Moreover social stratification (which generally coincides with wealth and poverty) was practically non-existent during Grabovskij's visit in Ingushetia (*infra*, pp. 60 f); therefore, if polygyny is to be found among the Ingushi at all, it must be found also among the "poor" class.

[586] Easy divorce may do away with plural marriages as it did in Khevsuria and Svanetia, but in North Caucasia easy divorce plays only a very insignificant rôle compared with economic and biological factors.

§ 2. THE RULES OF ENDOGAMY AND EXOGAMY

000 Lowie defines exogamy as "the rule which prescribes that an individual must find a mate outside of his own group, whether that group be the family, the village or some other social unit."[49] The opposite rule "which makes it compulsory for a man to mate within his group is labeled endogamy." Lowie rightly stresses that it is not the *de facto* marriage within one's own group but the *prohibition* of marrying outside it that constitutes endogamy.[50]

1. The Impediment of Consanguinity

582 Consanguineous marriages are strictly prohibited throughout NORTH-
[614] WEST Caucasus. In his expedition of 1927 Ladyženskij ascertained that the reports of earlier writers about the abhorrence of incest among the tribes of Northwest Caucasia still exists today. Marriages between members of the same sib, regardless of the degree of remoteness, are considered incestuous.[51]

671 Among the NORTHEASTERN peoples the practice is not uniform. Ing-
582 ushian adats are by far stricter than Islamic law in regard to marriages between

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[43] *ibid.*

[44] L'vov, "Domašnjaja i semejnaja žizn Dagestanskich gorcev avarskago plemeni," SSKG, III (1870), p. 20.

[45] D. Sveičin, "Očerk narodonaselenija nravov, i obyčaev Dagestancev," ZKO, II (1853), p. 64.

[46] J. Klaproth, *Voyage au Mont Caucase et en Géorgie*, II, p. 249.

[47] *Leontovič, Adaty kavkazskich gorcev*, II, p. 12, § 10; p. 14, § 27; p. 16, § 40.

[48] "Ekonomičeskij i domašnij byt žitelej gorskago učastka inguševskago okruga," SSKG, III (1870), p. 21.

[49] R. Lowie, *Primitive Society*, p. 16.

[50] *op. cit.*, pp. 16 f.

[51] J. Reinegg, *Allgemeine historisch-topographische Beschreibung des Kaukasus*, II, p. 9; Ladyženskij, FT, p. 198.

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blood-relatives, and although the Ingushi are now Mohammedans they still insist on observing their ancient customary laws rather than the *šarī'a*.[52] The other Chechen tribes are likewise strict exogamists.[53]

The Lesghians however, unlike all other North Caucasians, are, or at least have been till recently, strict endogamists. In their insistance on marriages exclusively within the sib, the Lesghians differ not only from the other North Caucasians but also from the mountain tribes of SOUTH CAUCASIA: the Khevsurs,[54] the Pshavs,[55] the Tushi,[56] and the Svans.[57]

In this regard the Lesghians differ also from their non-Caucasian neighbours. Among the OSSETES even the remotest blood-relationship (usually all living in the same village and bearing the same family name)[58] impedes marriage.[59]

The neighbouring TARTAR tribes are also exogamous.[60] The KALMUCKS may indeed marry within their community but only with non-relatives.[61]

To come back to the Lesghians—the reliability of the reports about their still being strictly endogamous in the nineteenth century is unquestionable. Klaproth, despite his many literary thefts, is generally reliable. He assures us that the Dido "disregard all degrees of consanguinity."[62] L'vov[63] and Abercromby[64] observed the same custom among the Avars. The latter author writes, "With regard to degrees of consanguinity, an Avar is permitted to marry his first cousin or two sisters." Our most reliable sources are Kovalevskij and Egiasarov, on whom Kovalevskij largely depends.[65] In Kovalevskij's *Zakon i obyčaj na Kavkazě* we read that Cvětkov, a government official in Daghestan in 1869, maintained that in the Kurin Province absolutely no marriage was possible outside of one's own *tukhum* (sib). Sotnikov claims that such is the case

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[52] N. Jakovlev, *Ingušī*, (Moscow, 1925), p. 49.

[53] M. Kovalevskij, *Coutume contemporaine et loi ancienne*, p. 196.

[54] Essad-Bey, *Der Kaukasus. Seine Berge, Völker und Geschichte*, p. 267.

[55] M. Kovalevskij, *Zakon i Obyčaj na Kavkazě*, II, p. 142.

[56] M. Kovalevskij, *Coutume contemp.*, p. 196.

[57] *ibid.*

[58] When a family breaks from its sib and moves into a strange village, it gradually begins to feel closely related to its new neighbours, sometimes even more closely than to actual blood-relatives who live farther away. Such a family may even change its name and begin to call itself after the sib in whose community it now lives. The tendency of local solidarity to supplant the solidarity of the sib is noticeable throughout the Caucasus. Cf. A. Ladyženskij, "Entstehung und Entwicklung des Staates bei den Bergvölkern des Kaukasus," *Zeitschrift für Völkerpsychologie und Soziologie*, VI (1930), pp. 436, 439, 444. How soon such families would become "blood-relatives" to such a degree that intermarriage would be considered incestuous has still to be investigated by the fieldworkers.

[59] M. Kovalevskij, *Coutume contemp.*, pp. 196, 335.

[60] M. Kovalevskij, l. c.

[61] R. Erckert, *Der Kaukasus*, p. 37.

[62] *Voyage au Mont Caucase et en Géorgie*, II, p. 74.

[63] "Domašnjaja i semejnaja žizn Dagestanskich Gorcev Avarskago Okruga," SSKG, III (1870), p. 18.

[64] *A Trip through the Eastern Caucasus*, p. 97. Unfortunately Abercromby fails to specify whether they were only *permitted* to marry blood-relatives or actually obliged to do so.

[65] M. Kovalevskij, *Zakon*, II, p. 142; *Coutume contemp.*, l. c. Egiasarov's article is not at my disposal, hence I am relying on Kovalevskij's faithful citation of the author.

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in Kaitag, and of the Tabassaranians he is able to say: "Up to the present there have been no instances of anyone freely separating himself from his *tukhum*. The people are convinced that such an action would be impossible, unthinkable, certainly the most abominable disgrace imagineable." In the Province of Dargwa (according to Popov) the *tukhum* does not even have the authority to expel an illegitimate member, much less permit a fully-fledged member to separate from the others freely. Of all the provinces in South Daghestan only the adats of Tsakhur admit marriages with outsiders, but only by way of exception. Thus, according to Akhtinian and Rutulian customary law, a sib may marry one of their girls to a groom belonging to another *tukhum*, but only if the groom's sib is in danger of extinction.[66] But even in this extreme case an important *conditio sine qua non* is added: the children born of this marriage must be named not after the father's, but, strangely enough, after the mother's sib.[67]

In most cases local exogamy will coincide with consanguineous exogamy, because generally the Caucasian *auls* are sib-villages, that is, inhabited by people with the same family name who consider themselves related to one another. The questions of local exogamy and cross-cousin marriages have still to be investigated by the fieldworker.

Endogamy is not a sign of primitiveness. On the contrary, it thrives where social ranks are of paramount importance.[68] But the Lesghians, as we shall soon learn (*infra*, pp. 61 ff), are virtually classless and therefore endogamy seems out of place. We cannot attribute the practice to Islamism; for Mohammedanism may indeed *permit* consanguineous mating but it does not *prescribe* it. We may therefore rightly expect to find the solution to the riddle in pre-Islamic times.

We have said that the Southern Caucasians are strict exogamists. That is true, but there has been a time when the Georgians, the neighbours of the Lesghian peoples, were endogamists.

In the Georgian chronicles of King Vakhtang, which speak of the times of Nabuchodonosor, we read (after Brosset, *Additions*, p. 31), "Les plus abominable coutumes s'introduisirent, dans les mariages, on n'avait aucun égard à la parenté, on mangeait tout ce qui a vie, on n'ensevelissait point les morts et l'on dévorait les cadavres!"[69] And according to the legend about Alexander's march into the Caucasus as found in the Georgian chronicles (after Brosset, *Histoire de la Géorgie*, I, p. 33): "Étant venu dans le Karthli, il trouve chez tous les Géorgiens des coutumes plus abominables que chez aucun peuple. En effet les mariages et la débauche s'y pratiquaient sans égard à la parenté, on mangeait de tout ce qui avait vie, on dévorait les cadavres."[70] Moreover, Tacitus (*Annales*, xii. 46) gives us a good example of a next-of-kin marriage in a Georgian royal family in Iberia. Moses of Chorene (iii, 20) and Faustus of

[66] M. Kovalevskij, *Zakon*, II, pp. 144 f.
[67] M. Kovalevskij, *Zakon*, II, p. 172.
[68] R. Lowie, *Primitive Society*, pp. 16 f.
[69] Cf. O. G. von Wesendonk, "Über georgisches Heidentum," *Caucasica*, I (1924), p. 6.
[70] Cf. Wesendonk, *op. cit.*, 61 f.

defend themselves against the raiders from Kabardia and the Kumykian plains. The Turlovs[1] did not affect the social organization of the Chechens very deeply. After the ruling family[2] had been compelled to leave Chechnia, the mountaineers continued to live as classlessly as before; each Chechen sib was a government in itself with little or no interest in the neighboring sibs.[124] In the *adat* collection of 1849 for the villages of Sunsha we read: "There is no special *adat* regarding the bride-price for princes because the inhabitants do not have any princes."[125]

(2) A perusal of any *adat* collection will convince us that *de jure* the Chechens do not have a nobility either. Thus, for example, in the collection of adats of 1844 of Vladikavkaz Province (the Dzher, Kists, Galgai, Tsori, Ingushi and Karabulaks) we read in § 2: "No Chechen family has any privilege over any other family." *De facto* however there are influential families. Any family or sib may become more important than the others by manifesting extraordinary bravery or more especially by outnumbering the others.[126] Such families (or to be more exact, sibs) decide what is "wrong" and what is "right," what should be done and what should be left undone.

(3) There are actually two classes: the free and the slaves, the latter being mainly prisoners of war and captives taken in raids. Reineggs describes how in the eighteenth century the Chechens would mercilessly rob strangers and then demand a ransom. If the victim happened to be a fellow-Mohammedan, he naturally could not become a slave[127] if he failed to be ransomed, and consequently was murdered. On the other hand if the captive was a non-Muslim and was of a poor family that was unable to ransom him, he had to remain as a slave.[128] The adats distinguish between two classes of slaves, the *lai* and the *yasir*, the difference between the two being that the *yasir* could be ransomed while the *lai* could not.[129] But in spite of this difference the lot of the *lai* was not as unbearable as might seem at first sight. He was, practically speaking, more or less only a nominal slave, for, as a rule, he was declared free after some time or was *ipso facto* emancipated through marriage.[130]

The situation in Daghestan is much the same as among the Chechen tribes. On the whole the *Lesghians* are very democratic, virtually classless. Class division, wherever it existed, was not of Lesghian origin but was brought from without. It can be roughly sketched as follows.

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[124] Ladyženskij, "Entstehung und Entwicklung des Staates bei den kaukasischen Bergvölkern *Zeitschrift für Völkerpsychologie und Soziologie*, VI (1930), pp. 441 ff.
N. Danilewski, *Der Kaukasus*, p. 141.
Leontovič, II, pp. 86, 114 § 2.
Berže, *Čečnja i Čečency*, p. 90.
Güldenstädt, *Beschreibung der kaukasischen Länder etc.*, pp. 148, 153.

[125] Leontovič, II, pp. 114, § 2, 123, § 1.

[126] A. H. Günther, "Zusammenstöße zwischen Gesetz und Gewohnheitsrecht im nördlichen Kaukasus," *Zeitschrift f. vergl. Rechtsw.*, XLVI (1931), p. 325. Reineggs, *op. cit.*, I, p. 38. Engelhardt und Parrot, *Reisen in die Krym und den Kaukasus*, I, p. 243.

[127] An Islamic prohibition. Cf. G. Bergsträsser, *Grundzüge des islamischen Rechts*, p. 38.

[128] Reineggs, *op. cit.*, I, p. 40.

[129] Leontovič, II, p. 80. Berže, *Čečnja i Čečency*, p. 90. Dubrovin, *Istorija*, Tome I, Bk. I, p. 452.

[130] U. Laudaev, "Primečanja k statě čečenskoe plemja," SSKG, VI (1872), p. 52. Leontovič, *l. c.* Berže, *op. cit.*, p. 91. Byhan, *La Civilisation Caucasienne*, p. 181.

1 [foreign princely family invited to be rulers of the Chechens in the eighteenth century--Analyst]

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[624] (1) Most of the Lesghian peoples were ruled by their own freely-elected elders independently of any prince. Of course, the Avars and the Laks had their khans,[121] while the Andi were subject to Kumykian and Avarian rulers.[122] After the Russian conquest of the Caucasus, chief native officials approved by the Military Government were known as *naïbs*.[123]

[565] [614] (2) Despite the fact that the Lesghian peoples have been subject to a more or less foreign aristocracy—the gradation being khan, bek, uzden, commoner and slave—[124] the people themselves remained essentially classless. Interest centred mainly around one's own sib. What generally determined precedence among the different sibs was, just as among the Chechens, not noble birth but the size of the sib.[125]

(3) Commoners.

[567] (4) Slaves. Lesghian slaves were usually prisoners taken in war or raids.[126] On paying a ransom or after a 10-year service or on marrying a Mohammedan the slave would be emancipated.[127]

The SOUTHERN CAUCASIANS. The complexity of the Georgian social classes surpasses even that of the Cherkess, a fact of which a mere glance through King Vakhtang's Code will convince us.[128] It should be noted that the [793] clergy do not form a distinct class; rather their class is determined by their ecclesiastical rank. In the following outline we shall also indicate the approximate social rank connected with the various ecclesiastical dignities.

(1) The King. The crown is inherited by the first-born male child. The *Catholicos* i. e., Patriarch of Iberia, ranks immediately after the King. (King Vakhtang's Code § 25.)

(2) Princes:

(a) The princes of the first order *(didebuli thavadi)*. Archbishops. (§ 26)
(b) Princes of the second order. Bishops. (§ 27)
(c) Princes of the third order and archimandrites. (§ 28)

(3) Nobles *(Aznauri)*:

(a) *Aznauri* of the first order and priors with the function of an abbot. (§ 29)

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[121] Cf. Gadži-Ali, "Skazanie očevidca o Šamilě," SSKG, VII (1873), pp. 6.

[122] Potocki, *Voyage dans les steps d'Astrakhan et du Caucase*, II, p. 165.

[123] The word is derived from the Arabic *nā'ib*. The territory over which the naib was in charge we shall call "naibate". For an excellent description of a naib family see Halil Beg Mussayassul, *Das Land der letzten Ritter*, München, 1936.

[124] Cf. Sveičin, "Očerk narodonaselenija, nravov i obyčaev Dagestancev," ZKO, II (1853), p. 64.

[125] Cf. Essad-Bey, *Der Kaukasus, seine Berge, Völker und Geschichte*, p. 130.

[126] Klaproth, *Beschreibung der russ. Prov.*, p. 117.

[127] Reinegg, *op. cit.*, I, p. 87.
The social stratification of Daghestan has been treated in: A. Tomai, "Materialy k voprosu o feodalizme v istorii Dagestana," *Revoljucionnyj Vostok*, (Moscow, 1935), No. 5, pp. 116—137.

[128] Cf. Karst's edition, pp. 81—85.

6. Impediment Arising from Failure to Carry Out an Obligation of Vengeance

628 Vengeance is a sacred obligation among all the Mountain Tribes of Caucasus.
614 If a member of the sib is murdered or killed accidentally,[183] if a member of the family is raped or abducted, if the sacred hearth-chain is violated, or if the sib is offended seriously in any other way, the injured party incurs the strict and sacred obligation of vengeance. Self-defense calls for vengeance, for in the eyes of the mountaineers there is no competent authority common to the offender and the offended, who might compel the culprit's sib to repair the injury done. The blood of the victim, self-respect, and respect for the ancestors call for vengeance. Usually the nearest male relative of the victim has the obligation to kill the offender or one or more of his sib, depending on the local *adat*. Although the vendetta has become more a thing of the past, it still does occur now and then in our own days. Even today reconciliation (bloodwite) is regarded as a disgraceful exchange for the noble blood of a member of the family and at
[582] times is refused.[184] Blood calls for blood alone! Even today, if a young mountaineer fails to carry out his sacred obligation of avenging an enemy (regardless of Soviet laws), he may have to remain single for the rest of his life, for no respectable girl would wish to marry him.[185]

[672] [183] If a passer-by is killed by a stone kicked down a cliff by a sheep or goat, the owner of the animal becomes the blood-enemy *(qanly)* of the victim's sib. For other examples of similar customary laws see Dirr, AGKB, p. 107. Even in our own days accidents may be punished by death. See A. H. Günther, "Zusammenstöße zwischen Gesetz und Gewohnheitsrecht im nördlichen Kaukasus," *Zeitschr. f. vergl. Rechtsw.*, XLVI (1931), pp. 332 ff.

[184] Günther, *op. cit.*, p. 329.

[185] Günther, *op. cit.*, p. 327. For blood-feuds in the Caucasus see the works of Dirr and Günther just cited, S. Karginov, "Krovavaja mest' u Osetin," SMOMPK, XLIV (1914), No. 3, and Berže, *Čečnja i Čečency*.

Chapter V

Means of Acquiring a Wife

§ 1. BY PURCHASE

1. Description of Customary Laws

583 "Bride purchase," as Lowie points out, is a blanket term for various transactions. It fits some cases indeed, but at other times it is a complete misnomer.[1] Such is certainly the case when speaking of the Caucasians. Some tribes actually have a bride *purchase*, while others do not; some may have *had* the custom too but the nature of the payment has so completely changed in the course of years that it is false to speak of a price any longer. In some cases the "bride-price" is nothing more than a symbol; or again it is a mere exchange of gifts, or finally a security for the wife, resembling the *donatio ante nuptias* of the Romans. We shall use the term "bride-price" only in its strict sense. But since a generic term embracing all financial obligations connected with the acquisition of a wife is indispensable, we shall use the native word (*kalym, irad* etc.) or "bride wealth" whenever such a general expression is needed.

[177] The NORTHWESTERN CAUCASIANS. Since the Cherkess have been subject to a rather unusually rapid acculturation in the past 150 years, it is not surprising that the bride-price of old should in the course of decades have taken on many new features. Instead of presenting a complicated historical description of the Cherkess bride-price from its beginning to its disappearance, it will be much better, I think, if we borrow and sum up Ladyženskij's conclusions.[2] (1) Up to the end of the nineteenth century the bride was actually *sold* (p. 197), and consequently regarded as a chattel. (2) Islamic law improved her position, in so far as a considerable portion of the payment became the property of the bride as a security in case of divorce. A portion of the payment was likewise set aside to cover the expenses of the wedding (p. 198). (3) From the end of the nineteenth century this modified form of bride purchase assumed a different meaning: the bride was no longer *sold* in the strict sense. Rather, the family of the bride deserved to be compensated for the expenses involved in rearing a child till it attained a marriageable age. It deserved to be compensated also for the loss of a valuable worker. With such motives in view the [178] Cherkess considered the *kalym* as a form of *captatio benevolentiae* of the entire sib of the bride, for the *kalym* was shared by all (p. 197). (4) Today the *kalym*

[1] R. Lowie, *Social Organization*, p. 99. See his excellent section on "Bride Wealth," pp. 99—102.

[2] Ladyženskij, FT, pp. 197 f. Castagné, *op. cit.*, p. 261.

other objects.[12] Although the amount is much more stable than in other parts of Caucasia, it does vary according to the presence or absence of virginal integrity and on the social class of the mates.[13]

In the eighteenth century the Nakhchuo paid up to 10 cows;[14] the Ingushi would have to pay as many as 30 cows.[15] In the 1860's the average *kalym* was about 18 cows (or if paid in money, Rs. 10 per cow).[16] In the twentieth century the *kalym* was so high that the Russian Military Government forced all young men to swear that they would never take or give more than Rs. 105 *kalym*, but, as Baddeley, who is averse to all exaggeration, assures us that "none kept the oath, and the amount was now greater than ever."[17] In 1920 the Ingushi of the Upper Uchaluk paid as much as one million Soviet rubles, 105 silver rubles, two horses, one cow and one ram as *kalym*.[18]

In the Ingush *adat* collection of the 1860's (§§ 119 f) we read that the relatives of the groom are obliged to offer the bride a gift of 25 silver rubles on the occasion of her betrothal, of which she becomes the full owner and administrator. On her wedding day she must also be given a guarantee amounting to 80 silver rubles in case of divorce or widowhood.[19] This *adat* is an innovation which owes its origin to Islamism and the Russian Military Government. Although at first it was received with very little favour (and even today we still can come across cases which may be classified under strict purchase), this new form of bride wealth gradually prevailed throughout Ingushetia and Chechnia.[20] In a word, the Chechen bride-price has for about a century at least been tending to evolve into a form of dowry, an evolution analgous to that found among the Abkhaz and Cherkess.

It is the obligation of the *taipan* (sib) to provide the necessary *kalym* for all male members, if necessary even by theft.[21]

The following table shows the average bride-price of about an hundred years ago.

TABLE 10

Average bride-price among the Chechens about A.D. 1850

District	Amount		Source
	For maiden	For widow	
Nazran	12 cows	21 cows; sometimes only 12	Leontovič, II, p. 117, §§ 9 f.

[12] Cf. "Collection of *Adats* of the Black Sea Line, Kuban and Terek Territories" Leontovič, II, p. 253, § 161.
[13] Leontovič, II, p. 253, §§ 162—165.
[14] Potocki, *Voyage dans les steps d'Astrakhan et du Caucase*, II, p. 127.
[15] *ibid.*
[16] Grabovskij, "Ekonomičeskij i domašnij byt etc.," SSKG, III (1870), p. 20, *note*.
[17] *The Rugged Flanks of Caucasus*, I, pp. 207 f. See also Vertepov, "Inguši," *Terskij Sbornik*, II (1892), No. 2, p. 132.
[18] N. Jakovlev, *Inguši*, p. 53, *note* 1
[19] Leontovič, II, p. 169, § 119.
[20] Jakovlev, *Inguši*, p. 53.
[21] Jakovlev, *op. cit.*, pp. 51, 53.

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By Purchase

Much has been written about the OSSETINE bride wealth, but no one has described it so well as Kovalevskij in his *Sovremennyj obyčaj i drevnij zakon*.

Less than fifty years ago the expenses involved in a marriage were enormous. The families of the highest class in Kurtatinsk and Tagaursk had to pay as much as 100 oxen (worth about Rs. 1,000), one male slave or Rs. 120 and a coat of mail. In Kurtatinsk an equivalent number of cows could be substituted for oxen; a female slave or 12 oxen could be substituted for a male slave. The *farsaglegs* were valued at 60 cows or 30 oxen, whereas the *kavdassart kalym* was 25 to 38 cows. The Alaghirs never paid more than 38 oxen. An ox could be replaced by one cow and two sheep; a gun could replace six oxen; a sword, two or three oxen; a large chauldron for brewing beer, six oxen; a hearth chain, three cows.

Besides the *kalym* (or more correctly when speaking of the Ossetes, *irad*) the Mohammedan Ossetes are obliged to give a guarantee against divorce, the equivalent of the Lesghian *kebin*, called by the Ossetes *nakiash*.

Astounding is the number of gifts which the suitor's family was obliged to offer to the relatives of the bride. There was the *fati-bash*, *i. e.*, a horse called "The Arrow Horse" because the consent of the bride's father and the whole matchmaking procedure moved as swiftly and directly as an arrow; the *fati-bash* was given to the bride's father while her mother received the *madi-bash*, ("The Mother's Horse"). Then there was the *amtsedzhi-bash* ("The Nurse's Horse") which actually went to her husband (cf. *supra*, the *atalyk*, p. 57). The *madi-arvadi-bash* or *madi-arvadai-kal* was a horse given to the nearest relative of the bride's mother, most commonly to her brother. The Digorians usually offered oxen instead of horses.[39]

The sib must not be forgotten either. Besides the bride-price the prospective bride-groom had to give about Rs. 9 to the village, or, in other words, to the sib, for the Ossetine villages are generally composed of families related by blood. This payment was called *kauvendag* ("The Village Road").[40] Kovalevskij's figures differ but slightly from those of earlier ethnographers of the same century. Klaproth in his *Voyage au Mont Caucase et en Géorgie* (1828)[41] informs us that the highest *kalym* among the Ossetine nobles was Rs. 1,000 (hence about 100 cows). Dubois de Montpéreux,[42] whose investigations were published about 10 years after those of Klaproth, places the bride-price at 140 cows and 7 horses as the maximum and 12 cows as the minimum. In 1859 the Russians enacted a law according to which one third of the *irad* was to go to the bride as social security in case her husband should die.[43] This attempt to put an end to what the Russians considered a great abuse served only to raise the *irad* considerably. In fact, it reached an exceptionally high point in 1877, when to marry a single son would often bring complete financial

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[39] Kovalevskij, *Coutume contemp.*, pp. 163 f.
[40] Kovalevskij, *op. cit.*, pp. 175 f.
[41] II, p. 249.
[42] *Voyage autour du Caucase*, IV, p. 449.
[43] Leontovič, II, p. 51, § 17, *note* 3.

583 to assume the character of a dowry, as it had tended much earlier in Daghestan. A bitter struggle is going on between ancient *adats*, the *šarī'a*, and Russian laws.

(3) *Kalym* (even in recent times) is generally high.

[585] (4) Everywhere except among the Ingiloi and the Chechens of Nazran (*supra*, pp. 84, 86) the *kalym* and *kebin* are much higher for a virgin than a non-virgin. Virginity therefore is one of the most important factors in determining the amount of bride wealth.

[614] (5) Generally the family or a larger social group as the sib or *tleush* provide the necessary bride wealth. The groom never has to amass the *kalym* [581] himself, another fact clearly showing that mating is not a private affair.

(6) The *kebin* is found in all North Caucasia and Mohammedan neighbourhood.

[554] (7) Everywhere the social status of the partners is an important factor in determining the amount of *kalym* and *kebin*.[1]

The uniform evolution of the North Caucasian bride purchase is indeed striking. Originally all peoples of North Caucasus seem to have had actual bride purchase: the bride was actually sold and considered as a chattel. Then the bride-price began to lose its character of a purchase, a development contemporaneous with the spread of Islamism and Russian influence. Mohammedanism does not recognize bride purchase as such:[53] it recommends a bridal gift and prescribes the *kebin (mahr)* instead. The Russian Military Government in pre-Soviet times regarded bride purchase as a serious "abuse" and according to a decision of 1857 one third of the bride-price was to become the property of the bride as a form of social security.[54] Later the Soviet Government contributed its share in modifying the custom especially through industrialization, as we have seen is the case of the Cherkess living in the larger cities.[55]

583 554 That social rank should play such an imporant part in determing the amount of bride wealth (whether bride price, gifts or *kebin*) is quite natural, universal and in full accord with Islamic law.[56] In fact, according to Mohammedan teaching, the *walī mujbir* loses his right to marry his daughter or granddaughter against her will if the bride wealth does not correspond to the girl's social rank.[57]

Nowhere in the Caucasus has bride purchase been considered as something humiliating or degrading. After all, even the Cherkess princesses were purchased. The bride wealth corresponded to the social status and therefore added dignity to the purchase. Moreover, the higher the price the greater the social respect

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[53] Juynboll, *op. cit.*, p. 190. The *mahr* is also called *ṣakāk* in Islamic law.
[54] A. Dirr, AGKB, p. 124.
[55] *Supra*, p. 83.
[56] Juynboll, *op. cit.*, p. 215.
[57] *ibid.*

[1] [i.e., bride-price and bride's security against divorce—Analyst]

8: Lužbetak E-4 (no date) 1951 RHI Caucasia RHI

turn, must have stimulated the entire family to watch most carefully over the conduct of their daughters; and this watchfulness, again, must have been responsible for *adats* threatening the girl as well as any lover with the most severe sanctions not only for an actual perforation of the hymen but also, as the *adats* frequently express it, for any "suspicious approach."[109]

There have been other explanations offered for the virginity test. Westermarck, for instance, suggested masculine jealousy.[110] But this explanation is not applicable to the peoples of North Caucasia, for, as we have already mentioned, the sexual factor has very little significance in the selection of mates compared to the all-important economic, social, and religious factors. Such a jealousy, where mutual attraction matters so little, is unthinkable.[111]

(6) The custom of the bride thrice walking round the fireplace is an ancient wedding ceremony frequently found among pastoral tribes. As is well known, it was also the custom of the ancient Indo-Europeans. That one of the main wedding ceremonies in the Caucasus should take place at the fireplace is quite in keeping with the deep religious significance of the hearth. Among a large number of Caucasian mountain tribes, especially in North Ossetia, Ingushetia, and Daghestan, we find the custom of never allowing the fire in the hearth to die out, this practice being a form of cult for the dead.[112] The fire and especially the chain above it constitute a connection between the living and the departed. It forms a sacred asylum for any murderer, because as soon as he touches the chain the ancestors of the victim approve of the murderer's adoption into the family. The chain is the symbol of the family: to tear it down is regarded as one of the most abominable crimes imagineable, an insult to the living and dead members of the sib, which must be punished with death. The chain is a symbol of the family and therefore it must be buried with the last member of an extinct sib. To swear by the hearth-chain is an infallible sign that the person is saying the truth, for to do so falsely is unthinkable.[113] Such an oath would be a curse upon the entire sib and their ancestors. In other words, the ancient solidarity of the sib is intimately connected with the ancient religion of the North Caucasians, and the sanctuary of this religion is the hearth. Now, marriage is an act by which a stranger is taken into the family, and one of the most natural means, most in harmony with the ancient Caucasian form of life, is the hearth and hearth-chain. It is indeed striking that in Daghestan the cult of the fireplace still exists today but not the wedding ceremony. This fact confirms rather than disproves our explanation, for in Daghestan the wife was not a stranger: she had to be chosen from within the sib! (Cf. *supra*, pp. 51 f.)

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[109] *Infra*, Chapter XII, p. 176.

[110] The History of Marriage, I, p. 163.

[111] The jealousy would have to be so great that the disappointed husband would insist that the bride's nose be cut off or that she be otherwise mutilated and even killed, for such are the ancient adats!

[112] Günther, "Zusammenstöße zwischen Gesetz und Gewohnheitsrecht im nördlichen Kaukasus," *Zeitschrift f. vergl. Rechtsw.*, XLVI (1931), p. 324.

[113] *Ibid.*

The last class of *adats* demand blood for blood. Such customary laws are found, for example, in the Dargwa Province : in Usisha District,[31] Tsudakhar,[32] Akusha District,[33] and in some towns of the naibate of Tilitl-Hidatl,[34] and in the Samur District.[35] The same holds if a husband kills his wife : he becomes a blood-enemy of the wife's relatives and sometimes of his own children. In Bashli (Kaitago-Tabassaran Province),[36] Mahallen Terekeme (Kaitago-Tabassaran Province),[37] Mahal Gamri (Kaitago-Tabassaran Province),[38] and in the Province of Samur,[39] a husband who has murdered his wife becomes a blood-enemy of her relatives. In Mahal Gamri he becomes a blood-enemy of his children as well.[40]

Ancient GEORGIAN *adats* permit the murderer to go unpunished, the crime being "left to the judgement of God."[41] A Khevsur who murders his wife is obliged to pay a bloodwite of five cows to her relatives.[42] The Svan custom of tying a large stone about the neck of a person who murdered one of his own kin (as a sign of excommunication) is most likely of Christian origin. It reminds us very much of a similar penalty for parricide in the Old Testament. It may, less probably though, have come to Svanetia through Islamism, for Mohammedanism has borrowed this form of excommunication from the Old Testament.[43]

The neighbouring KUMYKS do not punish a man for murdering his child either.[44] Uxoricide, however, never goes unpunished ; the murderer becomes *a qanly* of the victim's sib.[45]

The ancient Indo-Europeans used to place the newborn child on the ground and then invite the father to pick it up, as an official recognition of the child as his own and at the same time expressing his wish not to use his right to kill it.[46] According to OSSETINE customary law, a father may kill his child with

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[31] ADOiZO, p. 225, § 47 ; cf. Dirr, AGKB, p. 61 ; "Adaty Darginskich Obščestv," p. 102.
[32] ADOiZO, p. 244, § 40 ; cf. Dirr, AGKB, pp. 61 f ; "Adaty Dauginskich Obščestv," pp. 113 f.
[33] "Adaty Darginskich Obščestv," p. 35. Also in Balhar, Tsumkan, according to ADOiZO, p. 115, § 43 ; cf. Dirr, p. 61.
[34] ADOiZO, p. 337, § 12 ; cf. Dirr, AGKB, p. 60.
[35] ADOiZO, p. 530, § 16 ; cf. Dirr, AGKB, p. 61.
[36] ADOiZO, pp. 597 f, §§ 14 f ; cf. Dirr, AGKB, p. 65.
[37] ADOiZO, p. 583, § 9 ; cf. Dirr, AGKB, p. 65.
[38] ADOiZO, pp. 588 f, § 14 ; cf. Dirr, AGKB, pp. 65 f.
[39] ADOiZO, p. 530, § 14 ; cf. Dirr, AGKB, p. 66.
[40] ADOiZO, pp. 599 f, § 14 ; cf. Dirr, AGKB, pp. 65 f.
[41] Haxthausen, *Transcaucasia*, II, p. 205 ; Post, *Grundriß der ethnol. Jurisprudenz*, II, p. 340 ; cf. Dirr, AGKB, p. 59. These three authors base their assertion on King Vakhtang's Code. In § 78 we read : "... the case must be judged according to the *sdzhuli-kanoni*". Perhaps in the last analysis "sdzhuli-kanoni" can be identified with God ; but actually these two words refer to the ecclesiastical laws codified by Patriarch John the Scholastic under Emperor Justinian (cf. Code of King Vakhtang VI, ed. Karst, p. 119, *note* 1).
[42] Hahn, *Bilder aus dem Kaukasus*, p. 184.
[43] Kovalevskij, *Zakon*, I, p. 40.
[44] Leontovič, II, p. 212, § 35 (an *adat* of 1865).
[45] "Adaty žitelej kumykskoj ploskosti," SSKG, VI (1872), p. 5.
[46] Schmidt-Koppers, *Völker und Kulturen*, p. 309.

[i.e. blood-enemy -- Analyst]

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(14) Then there is the fact that *a woman constitutes an asylum* for any murderer,[27] a fact found among the North Caucasians as well as among the Asiatic nomads.

(15) The *adats regarding divorce*,[28]

(16) the *penalties for sexual offenses*,[29]

(17) the *division of labour*,[30] allowing men plenty of time for loafing, sport, and raids,

(18) and many other *adats which place the female sex at a great disadvantage*[31] remind us very much of a pastoral society.

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(19) Then, of course, there are the many other features of the North Caucasian marriage and family *adats* which we have been able only to touch upon rather superficially, for they refer to the joint-family and kinship in general rather than to the biological family. The North Caucasian society, for example, has had till recently a *patriarchal joint-family organization*[32] very similar to that found among pastoral nomads. Just as among the Indo-Europeans and the Turco-Mongols the central interest of the North Caucasian has been, and in places still is, the joint-family. According to the *adats*, the individual family, till it becomes independent, plays a very subordinate part in society. The tribe and state mean but little. Crimes, criminals, and penalties in the strict sense of the word are of very recent origin: any damage done to the sib (not so much to any individual!), whether accidental or intentional, are the only form [588] of "crime" found in the *adats*. The reparation of the damages made by the "offending" sib (not the individual who inflicted the harm) corresponds to our [428] concept of penalty. We have also said very little about the *inheritance rights* of the mountaineers of North Caucasia, for to speak of inheritance without first describing the joint-family and kinship *adats* would be impossible. It seems that originally, just as is the case in pastoral nomadic societies, the rights were restricted to the male children with special privileges reserved for the first-born [628] son. Finally, there is hardly another place in the world where *blood-feuds* are so common as in the Caucasus; and, we know, pastoral nomadic peoples have always been fond of settling their quarrels in this particular manner, more so than any other people. In a word, we are dealing with a "pastoral nomadic" marriage and family when we deal with North Caucasian marriage and family *adats*.

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We must however, keep in mind that there are different zones of intensity of nomadic traits: in North Caucasia the most pastoral nomadic in character are the marriage and family of the Cherkess; then perhaps follow those of the Abkhaz, then the Chechens, and finally the Lesghians. The Ossetine *adats* are perhaps even more typically pastoral nomadic than those of the Cherkess. The Kumykian and Nogain *adats*, as well as those of other Turco-Mongols of North Caucasus,

[27] *Supra*, pp. 159 f.
[28] *Supra*, pp. 132—137.
[29] *Supra*, pp. 168—179, 182.
[30] *Supra*, pp. 156—159.
[31] *Supra*, pp. 152—156.
[32] *Supra*, pp. 44 f.